

SUPPORT FOR THE AMENDMENTS

This Amendment cancels Claims 2-3; and amends Claims 1, 4-5, 8, 11 and 13.

Support for the amendments is found in the specification and claims as originally filed. In particular, support for Claim 1 is found in canceled Claims 2-3 and in the specification at least at page 2, lines 20-21 ("compounds of the formula II and/or III"). Support for Claim 8 is found in the specification at least at page 13, lines 13-17. Support for Claim 14 is found in canceled Claim 2. No new matter would be introduced by entry of these amendments.

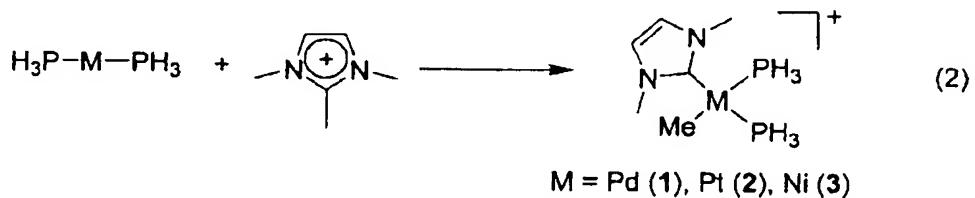
Upon entry of these amendments, Claims 1, 4-6, 8 and 11-14 will be pending in this application. Claims 1 and 14 are independent.

REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

The present invention provides a method for preparing metal complexes of groups 6 to 10 of the Period Table. The metal complexes can be used as catalysts. Specification at title; page 1, lines 4-6.

Claim 14 appears (MPEP 706.07, page 700-81, column 2) to rejected under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) over J.A.C.S., Vol. 123 No., 34, 2001 ("McGuinness"). Final Rejection at page 3, lines 7-15. McGuinness discloses, e.g., a "reaction 2" as follows:



McGuinness at p. 8320, column 2.

However, McGuinness fails to suggest the independent Claim 14 limitation of "reacting a compound of a metal of groups 6 to 10 of the Periodic Table of the Elements with at least one compound selected from the group consisting of compounds having the formulae V, VII, VIII and X".

Thus, the rejection over McGuinness should be withdrawn.

Claims 1-9 appear to be rejected under 35 U.S.C. 112, first paragraph, as lacking enablement. Final Rejection at page 2, lines 10-21. Applicants thank the Examiner for the indication that "Applicants may overcome this enablement rejection by adding the enabled limitations, i.e. the final product and enable intermediates (compounds of formula (V) to (X) into claim 1". Final Rejection at page 2, lines 20-21. Accordingly, Claims 2-3 are incorporated into independent Claim 1. Thus, the rejection under 35 U.S.C. 112, first paragraph, should be withdrawn.

Claims 1-9 appear to be rejected under 35 U.S.C. 112, first paragraph ("metal complexes") and 35 U.S.C. 112, second paragraph ("reacting"; "complexes of metals of groups 6 to 10 of the Periodic Table of the Elements"). Final Rejection at page 3, lines 3-4. Applicants thank the Examiner for the indication that these "rejection[s] will be overcome if the specific compounds are added into the claims because it will clarify the terms". Final Rejection at page 3, lines 4-5. Accordingly, Claims 2-3 are incorporated into independent Claim 1. Thus, these rejections should be withdrawn.

Claims 11-12 appear to be rejected under 35 U.S.C. 112, second paragraph, because assertedly the terms "olefinic material", "nucleophile" and "the reaction product of Claim 1" are indefinite. Final Rejection at page 3, lines 16-20. To obviate the rejection with respect to "the reaction product of Claim 1", Claim 11 is amended to recite "reacting an olefin with a nucleophile in the presence of a catalyst which is the metal complex made by the process of Claim 1".

However, Applicants respectfully traverse the rejection with respect to "olefinic material" and "nucleophile". The rejection with respect to "olefinic material" should be withdrawn, because "olefinic material" does not appear in Claim 11.

The rejection with respect to "nucleophile" should also be withdrawn, because the Final Rejection asserts:

The terms olefinic material and *nucleophile* are **broad** and the **metes and bounds** of the claims are **unknown**. The definitions found in claim 12 should be imported into claim 11. Final Rejection at page 3, line 22 to page 4, line 3 (emphasis added).

However, **breadth** is not **indefiniteness**. MPEP 2173.04.

Furthermore, the term "nucleophile" can be defined as "an ion or molecule that donates a pair of electrons to an atomic nucleus to form a covalent bond". Hawley's Condensed Chemical Dictionary, 12th edition, page 842 (copy attached).

Because the term "nucleophile" is well known to the skilled artisan, the term "nucleophile" is not indefinite. For this additional reason, the rejection with respect to "nucleophile" should be withdrawn.

Thus, the rejection of Claims 11-12 under 35 U.S.C. 112, second paragraph, should be withdrawn.

Claims 13 appear to be rejected under 35 U.S.C. 112, second paragraph, because assertedly the phrase "in the presence of a catalyst of a metal complex (I) that is comprises of one or more compounds of formula II and/or III as prepared by the method of Claim 1" is indefinite. Final Rejection at page 4, lines 3-6. To obviate the rejection, Claim 13 is amended to recite "in the presence of a catalyst of [[a]] the metal complex (I) ~~that is comprised of one or more compounds of formula II and/or III as prepared~~ made by the method process of Claim 1".

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
Norman F. Oblon



Corwin P. Umbach, Ph.D.
Registration No. 40,211

Attached:

Hawley's Condensed Chemical Dictionary, 12th edition, page 842